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6	UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON				
7	AT TACOMA				
8	ERIC EDMISTON, a single man, in his				
9	individual capacity and as guardian of A and A.E., a minor,	A.E.,	CASE NO. C07	-5379RJB	
10	Plaintiffs,				
11	V.				
12	STATE OF WASHINGTON, STATE	OF	ODDED CD AN	TING	
13	WASHINGTON DEPARTMENT OF SOCIAL AND HEALTH SERVICES,	stata	ORDER GRANTING MOTION TO STRIKE PLAINTIFFS' EXPERT WITNESS MARK GRAY		
14	CHILD PROTECTIVE SERVICES, a and government and its division and ago DIVISION OF CHILDREN AND FAM	ency,			
15	SERVICES, MAUREEN MARTIN, LARRY HAYDEN, KAREN KREMKAU,				
16	Defendants.				
17					
18	This matter comes before the court on the above-referenced motion (Dkt. 38).				
19	It appears from the record herein that plaintiffs never timely and fully disclosed Mark				
20	Gray as an expert witness. Federal Rule of Civil Procedure 26(a)(2) has never been fully				
21 22	complied with; defendants' motion should be granted, and Mark Gray should not be allowed to				
23	testify as an expert witness in accord with Federal Rule of Civil Procedure 37(c)(1).				
24	The parties should note, however, that, as a fact witness Mr. Gray may testify as to history				
25	taken, examination made, diagnosis reached, treatment provided, and his prognosis made,				
	provided that his testimony is within the expertise and limitations of his profession, and provided				
27	that any opinions were reached during the course of, and as a part of, his treatment.				
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20	ORDER Page 1				

IT IS SO ORDERED.

The Clerk of the Court is instructed to send uncertified copies of this Order to all counsel of record and to any party appearing *pro se* at said party's last known address.

United States District Judge

DATED this 29th day of May, 2008.

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